

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

JESSE MCDOWELL,	)	
	)	
Plaintiff,	)	13 Civ. 03786 (RWS, GWG)
	)	
vs.	)	
ELI LILLY AND COMPANY,	)	ECF CASE
an Indiana corporation,	)	
Defendant.	)	
	)	
	)	

**DECLARATION OF HARRIS L. POGUST IN SUPPORT OF PLAINTIFF’S REPLY TO  
LILLY’S OPPOSITION TO MOTION FOR RECONSIDERATION AND  
MOTION FOR LEAVE TO SUPPLEMENT THE RECORD**

I, Harris L. Pogust, declare as follows pursuant to 28 U.S.C. § 1746:

1. I am an attorney at the law firm of Pogust Braslow & Millrood, LLC, counsel for Plaintiff, Jesse McDowell (“Plaintiff”). I am a member in good standing of the bar of the Southern District of New York. I have personal knowledge of the facts set forth in this Declaration, which I make to place before the Court documents and information relevant to its determination of Plaintiff’s Reply to Lilly’s Opposition to Motion for Reconsideration and Motion for Leave to Supplement the Record.

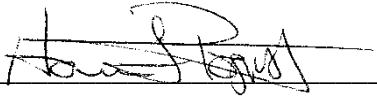
2. Attached as Exhibit A hereto is Perahia, et al, *A randomized, double-blind comparison of duloxetine and venlafaxine in the treatment of patients with major depressive disorder*, Journal of Psychiatric Research 42 (2008) 22-34.

3. Attached as Exhibit B hereto are pages 16-18 of the Deposition Transcript of Dr. Louis Morris taken on November 24, 2014 in the *Erin Hexum* and *Claudia Herrera* matters, currently pending in the United States District Court – Central District of California.

I declare under penalty of perjury that the foregoing is true and correct to the best of

my knowledge and belief.

Executed on December 18, 2014, in Conshohocken, Pennsylvania.

A handwritten signature in black ink, appearing to read "Andrew J. [unclear]", is written over a horizontal line.